

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ACADIA INSURANCE COMPANY, as :  
Subrogee of St. Paul Street, LLC :

Plaintiff :

v. :

NER CONSTRUCTION MGMT., INC. :

Defendant :

CIVIL ACTION NO.  
04-12557-WGY

**REQUEST TO ENTER CLERK'S DEFAULT JUDGMENT**

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

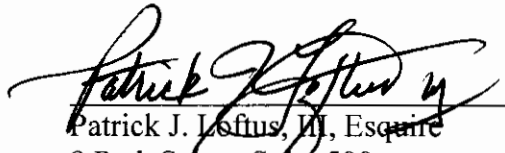
Plaintiff, Acadia Insurance Company, as subrogee of St. Paul Street, LLC requests that the Clerk of Court enter a default judgment against NER Construction Mgmt., Inc., in the amount of \$999,704.64, plus taxable costs, as authorized by Rule 55(b)(1) of the Federal Rules of Civil Procedure. In support of this request, plaintiff Acadia Insurance Company states:

1. The Clerk of this Court has already entered the default of defendant as a consequence of its failure to timely plead or otherwise respond to Plaintiff's Complaint. The default was entered on January 19, 2005, as indicated by the docket entry.
2. Plaintiff Acadia Insurance Company's claim is for a sum certain, \$999,704.64, plus costs.
3. Defendant NER Construction Mgmt., Inc. is not a minor or an incompetent person.
4. Defendant is not currently in the military service.

5. The amount of the judgment to be entered, as indicated in the attached motion and affidavit in support of motion, is due and owing.

Dated: 6/28, 2005

Respectfully submitted,

  
Patrick J. Loftus, III, Esquire  
9 Park Street, Suite 500  
Boston, MA 02108  
617-723-7770

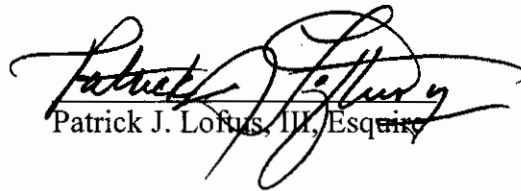
Co-Counsel  
Robert M. Caplan, Esquire  
Daniel J. Luccaro, Esquire  
Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103  
(215) 665-2000  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, Patrick J. Loftus, III, Esquire, do hereby certify that on this 29<sup>th</sup> day of

June, 2005, I served a true and correct copy of plaintiff's Motion for Default Judgment, Request to Enter Default Judgment and Affidavit in Support thereof and supporting documentation via first class U.S. mail, postage prepaid, upon the following:

NER Construction Mgmt., Inc.  
867 Woburn Street  
Wilmington, MA 01887

  
Patrick J. Loftus, III, Esquire